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*Attorneys for Plaintiff*

*Biomedical Device Consultants & Laboratories of*

*Colorado, LLC*

**UNITED STATES DISTRICT COURT**

**CENTRAL DISTRICT OF CALIFORNIA**

Biomedical Device Consultants & Laboratories  
Of Colorado, LLC

*Plaintiff,*

v.

ViVitro Labs, Inc.

*Defendant.*

ViVitro Labs, Inc.

*Counterclaimant,*

v.

Biomedical Device Consultants & Laboratories  
Of Colorado, LLC

*Counterclaim*

*Defendant.*

CASE NO: 2:23-CV-04291-HDV

Hon. Judge Hernán D. Vera

**PLAINTIFF'S NOTICE OF APPEAL**

**NOTICE OF APPEAL**

Notice is hereby given, pursuant to Fed. R. App. P. 3(a)(1), that Plaintiff Biomedical Device Consultants & Laboratories Of Colorado, LLC appeals to the United States Court of Appeals for the Federal Circuit from the Court's August 29, 2023 Order Denying Plaintiff's Motion for Preliminary Injunction (Dkt. No. 91), as well as all orders subsumed within or ancillary to that Order. *See Katz v. Lear Siegler Inc.*, 909 F.2d 1459, 1461 (Fed. Cir. 1990). The Court of Appeals for the Federal Circuit has exclusive jurisdiction over any appeal, pursuant to 28 U.S.C. § 1295(a)(1), as the Complaint in this action included a claim of patent infringement under the Patent Act.

Respectfully submitted this 11th day of September, 2023.

DORSEY & WHITNEY LLP

By /s/ Shannon L. Bjorklund

Gregory S. Tamkin  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this date, a true and correct copy of the foregoing document was served on counsel of record via ECF Notice of Electronic Filing in accordance with the Federal Rules of Civil Procedure and Local Rule 5-3.3.

Dated: September 11, 2023.

/s/ Shannon L. Bjorklund  
INSERT NAME